

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** :

v. :

**MAG. NO. 16-624-M**

**MATTHEW SIMINERI** :

**ORDER**

FILED  
JUN 10 2016  
MICHAEL E. TORZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

AND NOW, this 10 day of June, 2016, upon consideration of the

Government's Motion for an extension of time within which the government must file an indictment or information and exclusion of time under the Speedy Trial Act, and the defendant and his counsel's consent to the extension of time, and based on the Court's findings pursuant to 18 U.S.C. § 3161(h)(8)(A) that failure to extend by an additional sixty days, under 18 U.S.C. §3161(b), within which the government must file an indictment in the instant case would be likely to result in a miscarriage of justice which outweighs the interests of the public and the defendant in a speedy trial due to the desire of the parties to further review the case and discuss a possible non-trial disposition, it is hereby ORDERED that the time period within which the government must file an indictment or information in this matter is extended for sixty days, to August 16, 2016, and that that period of time shall be excluded from all computations of time under the Speedy Trial Act (18 U.S.C. § 3161).

BY THE COURT:

  
\_\_\_\_\_  
HONORABLE JACOB P. HART  
*United States Magistrate Judge*

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RECEIVED Clerk  
Dep. Clerk

**GOVERNMENT'S MOTION FOR EXTENSION AND  
EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America, by the undersigned attorney, with the consent of the defendant and his counsel, moves the court pursuant to 18 U.S.C. § 3161(h)(8)(A) for a sixty day extension of the time within which the government must file an indictment or information in this case and the exclusion of time under the Speedy Trial Act, and in support thereof avers as follows:

1. On May 19, 2016, defendant Matthew Simineri was charged by Complaint and Warrant with one count of use of an interstate commerce facility to entice a minor to engage in illicit sexual conduct, in violation of 18 U.S.C. § 2422(b), and one count of using a child to pose for child pornography images, in violation of 18 U.S.C. § 2251(a).

2. Defendant Simineri was first brought before the Magistrate Court that same date, May 19, 2016, at which time the Federal Defender's Office was appointed to represent him. On May 23, 2016, Simineri was arraigned and stipulated to probable cause. A detention hearing was held on that date, at which time the magistrate court ruled the defendant was to be detained pending trial.

3. The government has 30 days from the date of the defendant's initial appearance to file an indictment or information, in this case, by June 15, 2016. Counsel for defendant Simineri has requested additional time before the government files charges to complete mental

health evaluations of the defendant and gather information regarding his schooling and mental health background.

4. The charges in this case are serious and involve mandatory periods of incarceration of at least 15 years, a statutory maximum of life imprisonment, and a preliminary Guideline range calculation of at least 292 to 365 months' incarceration. It is in the best interests of both parties to consider the information being collected by defense counsel before any final decision is made on indictment. Counsel therefore jointly request an extension of sixty days (60), pursuant to 18 U.S.C. § 3161, within which an indictment or information must be filed. Such a disposition would serve the public interest by more efficiently allocating judicial resources should a non-trial disposition be reached.

5. As the request was originally made by the defendant, he agrees to waive all rights under the Speedy Trial Act.

WHEREFORE, to prevent a miscarriage of justice, the parties respectfully request that the Court grant this motion and enter the attached order for extension and exclusion of time under the Speedy Trial Act.

Respectfully submitted,

ZANE DAVID MEMEGER  
United States Attorney

/s/ Michelle Rotella  
MICHELLE ROTELLA  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Motion for Extension and Exclusion of Time under the Speedy Trial Act has been served by me this date, by e-filing and email delivery, upon the following:

Kathleen Gaughan, Assistant Federal Defender  
Federal Defenders' Association  
The Curtis Center - Suite 540 West  
Independence Square West  
Philadelphia, PA 19106  
Kathleen\_Gaughan@fd.org

/s/ Michelle Rotella  
MICHELLE ROTELLA  
Assistant United States Attorney

DATED: June 8, 2016.